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Eyal Hofi

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EXAMINER

MURDOUGH, JOSHUA A

ART UNIT

PAPER NUMBER

3621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/976,044	Applicant(s) HOFI, EYAL	
	Examiner JOSHUA MURDOUGH	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-175 is/are pending in the application.
- 4a) Of the above claim(s) 75-147 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-74 and 148-175 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. The Examiner for this application has changed. Please note that Joshua Murdough is the Examiner of record in any further correspondence.

Claims 1-175 are pending.

Election/Restrictions

2. Applicant's election of Group I, Claims 1-74 and 148-175, in the reply filed on 3 January 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Claims 75-147 are withdrawn from further consideration pursuant to 37 C.F.R. §1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3 January 2008.

Drawings

4. The drawings are objected to under 37 C.F.R. §1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or cancelled from the claims. The drawings are replete with these errors. Some examples follow. No new matter allowed.

i. The "iris scanning module" as recited in at least claim 20;

- ii. The "plasma display " as recited in at least claim 35; and
- iii. The "sound generator" as recited in at least claim 48.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "162," "164," "166," "168," and "170" have been used to designate the same block in block 160 of Figure 6. This is merely an example as the drawings are replete with this type of error. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(l) & (p)(3) because they are not of quality to satisfactorily be reproduced and the text in some locations is too small and touches the lines. "Every line, number, and letter must be durable, clean, black, sufficiently dense and dark, and uniformly thick and well-defined." 37 CFR 1.84(l) "Numbers, letters, and reference characters must measure at least .32 cm, (1/8 inch) in height. They should not be placed in the drawing so as to interfere with its comprehension. Therefore, they should not cross or mingle with the lines." 37 CFR 1.84(p)(3) For example, Figure 7B, element 162 and Figure 8, the top and bottom boxes.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

8. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

9. Applicant is reminded of the proper content of an abstract of the disclosure. A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire

Art Unit: 3621

disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative. The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

10. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

11. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

12. The abstract of the disclosure is objected to because it exceeds 150 words and it appears to merely be a reformatted version of claim 1. Correction is required. See MPEP § 608.01(b).

Claim Objections

13. In light of the noticed function of the claims, Applicants are required to change “operable” to “programmed” when a positive recitation is desired. (See *e.g.* claim 1 which recites “operable to receive current biometric input....”).

Claim Rejections - 35 USC § 112 2nd Paragraph

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 25, 73, and 74 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 25, it is unclear to person of ordinary skill in the art what structure encompasses "a module operable to measure behavior" For example, if the behavior involves moving, it could be measured according to the distance moved, but if the behavior is saying or doing something that creates a sound, it could be measured by the movements associated with making the sound, or by the frequency or frequencies and amplitude or amplitudes. The Examiner has interpreted this limitation to be the former when examining this claim on its merits.

b. Claim 73 recites the limitation "said stationary devices" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim. There is only one stationary device claimed in claim 72, from which this claim depends.

- c. Claim 74 recites the limitation "said portable devices" in line 1. There is insufficient antecedent basis for this limitation in the claim. There is only one portable device claimed in claims 72 and 73, from which this claim depends.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin (U.S. 5,883,810) in view of Bjorn (U.S. 6,125,192).

4. Franklin shows:

A transaction authorization system for authorizing a transaction requested by an authorized user while preventing authorization of a transaction requested by an unauthorized user, comprising:

(a) a user device (Figure 1, element 28) which comprises:

(ii) a transaction code provider (Figure 4, element 62) operable to provide a transaction code if, and only if, said identity verification unit determines that a current user is an authorized user of said user device (Column 9, lines 19-29); and

(iii) a first communication device (Figure 2, element 46) operable to communicate said transaction code; and

(b) a server device (Figure 3, element 32) which comprises:

(i) a second communication device (inherent, as the server is shown receiving the transaction code in arrow 2) operable to receive a communicated code (Column 8, lines 43-56);

(ii) a transaction code verifier operable to determine if said received communicated code is a transaction code provided by said transaction code provider (Column 8, lines 57-60); and

(iii) an authorizer (Figure 3, element 60) operable to authorize a transaction if and only if said transaction code verifier determines that said received communicated code is a transaction code provided by said transaction code provider (Column 9, lines 30-42);

executing a business transaction authorized by said authorizer (Column 3, lines 34-47);

said first communication device of said user device comprises a graphical display module (shown as part of element 28 in Figure 1) operable to optically display a transaction code provided by said transaction code provider;

said first communication device comprises a machine readable memory (Figure 3, element 50), and further comprises electrical connections (physical components needed for Figure 3, arrow 2) operable to enable reading of said machine readable memory by a processor (inherent, servers need processors to execute any command) external to said user device;

said first communication device comprises a transmitter (in order to transmit data, as shown in Column 2, lines 56-59, there must be a transmitter);

said transmitter is operable to transmit said transaction code to a receiver, said receiver being operable to transmit said transaction code to said second communication device of said server device (Figure 3, arrow 2);

said transaction code provider comprises a first code memory (Figure 3, element 44) operable to store a set of substantially random digital codes (Column 6, lines 1-11);

said transaction code provider further comprises a selector operable to select a next transaction code from among codes stored in said first code memory (Column 4, lines 48-55);

a first disqualifier for disqualifying a code stored in said first code memory from future selection by said selector by removing the transaction code from said first code memory (it is only usable once, therefore it is disqualified after that use, Column 4, lines 65-67);

said transaction code provider is designed and constructed to refrain from providing a transaction code previously provided by said transaction code provider (inherent, if the code were reused, it would cause conflicts in the transaction records);

said transaction code verifier comprises a second code memory (Figure 3, element 64) operable to store a set of substantially random digital codes;

a set of substantially random digital codes stored in said second code memory (Column 6, lines 1-11);

said first set of substantially random digital codes and said second set of substantially random digital codes being identical (This is verified through the merchant.

Figure 3, arrow 4 sends the code to the merchant. Figure 5 shows the validation of the code with the server device, described in columns 10-11, lines 30-45);

said authorizer is operable to authorize a transaction if and only if said received code is determined to be identical to a code stored in said second code memory (Column 11, lines 41-45).

5. Franklin does not expressly show identity verification through a biometric sensor, such as, an optical or capacitive fingerprint scanner on a smart card or other portable device similar in size and shape to a credit card with memory.

6. However, Bjorn shows both an optical and capacitive fingerprint sensor (Column 5, lines 28-36) in conjunction with a smart card (Figure 4 & Column 6, lines 19-27), which includes memory (Figure 4, element 440). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Franklin to implement the device as disclosed by Bjorn in order to simplify the “awkward and error-prone procedure” (Bjorn, Column 2, lines 16-31) typically involved in user identification.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin Bjorn combination as applied to claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 above, and further in view of Official Notice.

8. The Franklin Bjorn combination does not expressly show:

said user device conforms to ISO standard 7816.

9. The Examiner takes Official Notice that it is notoriously old and well known in the art to comply with industry standards, such as ISO 7816 which is directed toward smart cards.

Conforming to this standard allows for wider acceptance of the smart card.

10. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin Bjorn Combination as applied to claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 above, and further in view of Rusk (4,954,758).

11. The Franklin/Bjorn combination shows as discussed above but does not expressly show the use of a replaceable or rechargeable battery. Nor does it show the use of a photocell to supply power to the device.

12. However, Rusk shows the use of a replaceable, rechargeable, nickel cadmium battery (Column 3, lines 48-50) and a photocell (Column 9, lines 12-18) within the power supply circuit (Title).

13. Since each means for providing power to the device was shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function, but in the very combination itself- this is in the substitution of the battery or photocell of Rusk for the undisclosed, but inherently necessary, power source of the Franklin/Bjorn combination.

14. Thus, the simple substitution of one known element for another producing a predictable result renders the claims obvious.

15. Claims 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Bjorn combination as applied to claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 above, and further in view of Singh (6,259,838).

16. The Franklin/Bjorn combination shows as discussed above but does not expressly show that the graphic display comprises an LCD, light emitting element, organic light emitting diode, or a plasma display.

17. Singh shows that LCD, OLED, and plasma displays were known substitutable technologies (Column 19, lines 1-15 & Column 1, lines 26-30)

18. Since each means of display was shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function, but in the very combination itself- this is in the substitution of one of the display types of Singh for the undisclosed type of display from the Franklin/Bjorn combination.

19. Thus, the simple substitution of one known element for another producing a predictable result renders the claims obvious.

20. Claims 44-46 and 48-50 rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Bjorn combination as applied to claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 above, and further in view of Pertrushin (6,151,571).

21. The Franklin/Bjorn combination shows as discussed above but does not expressly show the specific transmission types claimed, such as: radio frequency, optical frequency, infrared frequency, audible, or inaudible sound frequencies.

22. However, Pertrushin shows communication using radio frequency (Column 46, line 3), optical frequency (Column 53, line 49), infrared frequency (Column 52, lines 41-42), audible (wire telephone, Column 46, lines 1-2,) or inaudible sound frequencies (radio is inaudible sound, Column 46, line 3) as alternative methods.

23. Since each means of communication was shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function, but in the very combination itself- this is in the substitution of

one of the communication types of Pertrushin for the undisclosed type of communication from the Franklin/Bjorn combination.

24. Thus, the simple substitution of one known element for another producing a predictable result renders the claims obvious

25. Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Bjorn combination as applied to claims 1-4, 10-13, 27-30, 32, 42, 43, 47, and 54-74 above, and further in view of Alexander (4,647,914).

26. The Franklin/Bjorn combination shows as discussed above but does not expressly show the transaction code only being communicated during a limited (30 second) period of time.

27. However, Alexander shows a 30 second period of time being allocated to a communication and if, after that period, the communication has not been successful, the communication is accepted as failed (Column 31, lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of the Franklin/Bjorn combination to include the 30 second time out of Alexander in order to allow enough time to complete the communication without allowing the connection to exist needlessly.

28. Claims 1, 10, 14-21, 23, 26, 32 and 37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin in view of Tsikos (2003/0019933).

29. Franklin shows:

A transaction authorization system for authorizing a transaction requested by an authorized user while preventing authorization of a transaction requested by an unauthorized user, comprising:

(a) a user device (Figure 1, element 28) which comprises:

(ii) a transaction code provider (Figure 4, element 62) operable to provide a transaction code if, and only if, said identity verification unit determines that a current user is an authorized user of said user device (Column 9, lines 19-29); and

(iii) a first communication device (Figure 2, element 46) operable to communicate said transaction code; and

(b) a server device (Figure 3, element 32) which comprises:

(i) a second communication device (inherent, as the server is shown receiving the transaction code in arrow 2) operable to receive a communicated code (Column 8, lines 43-56);

(ii) a transaction code verifier operable to determine if said received communicated code is a transaction code provided by said transaction code provider (Column 8, lines 57-60); and

(iii) an authorizer (Figure 3, element 60) operable to authorize a transaction if and only if said transaction code verifier determines that said received communicated code is a transaction code provided by said transaction code provider (Column 9, lines 30-42);

30. Franklin does not show the use of a biometric sensor or the particular data and format to be displayed.

31. However, Tsikos shows the use of a microphone (inherent to voice recognition, Paragraph 1707), digital camera (Paragraph 1707), voice recognition (Paragraph 1707), retinal scanner (Paragraph 1707), iris scanner (Paragraph 1698), signature verification system (Paragraph 1648), measurement of a body part (Paragraph 1698), and facial recognition

Art Unit: 3621

(Paragraph 1698) systems as means to biometrically identify an individual. Furthermore, Tsikos shows the output of machine readable barcodes (Paragraph 1274) and text that can be recognized through optical character recognition (Paragraph 1274) which is therefore human readable.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Franklin to include any of the biometric identification and display means in order to automate the identification of people (Tsikos, Paragraph 1707).

32. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Tsikos combination as applied to claims 14-21, 23, 26, and 37-41 above, and further in view of Official Notice.

33. The Franklin/Tsikos combination discloses as discussed above but does not expressly show the measurement of the hand.

34. The Examiner takes official notice that it is notoriously old and well known in the art that the hand is a part of the body commonly used in identification systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of the Franklin/Tsikos combination to specify that the part of the body being measured is the hand because it is one of the most commonly used and convenient parts.

35. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Tsikos combination as applied to claims 14-21, 23, 26, and 37-41 above, and further in view of Abbott (2001/0040591).

36. The Franklin/Tsikos combination shows as discussed above, but does not expressly show detecting motion or behaviors.

37. However, Abbott shows the detection of “location, orientation, speed, direction, distance, and proximity to other locations” (Paragraph 50). Detection of these would clearly enable the measurement of movement or behavior.

Since each type of detection was shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function, but in the very combination itself- this is in the substitution of one of the detection types of Abbott for the types of sensors from the Franklin/Tsikos combination.

38. Thus, the simple substitution of one known element for another producing a predictable result renders the claims obvious

39. Claims 1, 10, 27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franklin in view of Knight (5,054,090).

40. Franklin shows as

A transaction authorization system for authorizing a transaction requested by an authorized user while preventing authorization of a transaction requested by an unauthorized user, comprising:

(a) a user device (Figure 1, element 28) which comprises:

(ii) a transaction code provider (Figure 4, element 62) operable to provide a transaction code if, and only if, said identity verification unit determines that a current user is an authorized user of said user device (Column 9, lines 19-29); and

(iii) a first communication device (Figure 2, element 46) operable to communicate said transaction code; and

(b) a server device (Figure 3, element 32) which comprises:

(i) a second communication device (inherent, as the server is shown receiving the transaction code in arrow 2) operable to receive a communicated code (Column 8, lines 43-56);

(ii) a transaction code verifier operable to determine if said received communicated code is a transaction code provided by said transaction code provider (Column 8, lines 57-60); and

(iii) an authorizer (Figure 3, element 60) operable to authorize a transaction if and only if said transaction code verifier determines that said received communicated code is a transaction code provided by said transaction code provider (Column 9, lines 30-42);

41. Franklin does not show the use of a biometric sensor with an accompanying processor or the use of a measurement of the differences between the provided data and the detected data.

42. However, Knight shows a microprocessor (Figure 4B, element 26) that is used to process fingerprint data (Live video from image sensor, Figure 4A) and find a degree of matching between the live image and the stored data (Column 2, lines 3-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Franklin to include the fingerprint identification system of Knight in order to provide "low cost, dedicated hardware implemented correlation system for fingerprint identification" (Knight, Column 1, lines 54-57) that "can be used for credit/bank card validation" (Knight, Column 1, lines 49-50).

43. Claims 148-150, 164, 169, 170, and 173-175 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Bjorn combination above.

44. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

45. Claims 151-157, 159, 165-168 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Tsikos combination above.

46. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

47. Claims 171 and 172 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Tsikos/Alexander combination above.

48. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

49. Claim 158 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Tsikos/Official Notice combination above.

50. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

51. Claims 160-162 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Abbott combination above.

52. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

53. Claim 163 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Franklin/Knight combination above.

54. These claims are to the method performed by the system above, which is not considered patentably distinct from the system. Therefore, these claims are rejected using the same basis as used above for the system.

Conclusion

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

56. Knowles (2002/0145042) shows internet based biometric detection using a planar laser and other detection devices.

57. Morse (2004/0260954) shows more insight into a possible design for a biometric security device.

58. Breed (7,103,460) shows motion and vibration detection used to determine the behavior of parts of a car.

59. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

Art Unit: 3621

60. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

61. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. M.
Examiner, Art Unit 3621

/Bradley B Bayat/

Primary Examiner, Art Unit 3621